

Remarks

Claims 36–40, 45–47, 52, 54 and 55 are rejected under 35 U.S.C. 102(b) over U.S. Patent No. 5,345,940 to Seward et al. (“*Seward ‘940*”), and claims 41–44, 48, 50, and 51 are rejected under 35 U.S.C. 103(a) over *Seward ‘940*. Also, claims 49 and 53 are rejected under 35 U.S.C. 103(a) over U.S. Patent No. 5,325,860 to Seward et al. (“*Seward ‘860*”) in view of U.S. Patent No. 4,327,738 to Green et al. (“*Green*”).

Applicants traverse the rejections.

I. Independent Claims 36 and 52 are Patentable over *Seward ‘940*.

Independent claim 36 recites, in part, “inserting an endoscope through a lumen of a body of a living being; inserting through a working channel of the endoscope a catheter having an ultrasound imaging device located at its distal end.”

Independent claim 52 recites, in part, an endoscope and an elongated catheter shaft constructed to be inserted through a first working channel of the endoscope.

Seward ‘940 describes an “ultrasonic and interventional catheter.” Col. 1, Ins. 58–59. *Seward ‘940* does not teach or suggest an endoscope, a working channel of an endoscope, or the use of either.

Applicants thus submit that claims 36 and 52 are patentable and request that the rejections to claims 36-48, 50-52, 54, and 55 be withdrawn.

II. Dependent Claims 49 and 53 are Patentable over Seward '860 in view of Green

Seward '860 describes an “ultrasonic and interventional catheter.” Col. 1, Ins. 53-54.

Green describes an endoscope including a “probe 10 connected to [a] housing 12 through a tube 14.” Col. 3, Ins. 29–30.

Neither reference teaches or suggests inserting through a working channel of an endoscope a catheter having an ultrasound imaging device located at its distal end (as recited, in part, in independent claim 36 from which claim 49 depends), and thus no combination of the two references could possibly have resulted in the subject matter recited in claim 36 or claim 49.

Neither reference teaches or suggests an elongated catheter shaft constructed to be inserted through a first working channel of an endoscope where an ultrasound imaging device is disposed at a distal end of the elongated catheter shaft (as recited, in part, in independent claim 52 from which claim 53 depends), and thus no combination of the two references could possibly have resulted in the subject matter recited in claim 52 or claim 53.

Applicants thus submit that claims 49 and 53 are patentable and request that the rejections to these two claims be withdrawn.

Conclusion

In view of the foregoing, Applicants respectfully request reconsideration, withdrawal of all rejections, and allowance of all pending claims (i.e., claims 36-55) in due course.

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Respectfully submitted,



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